

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WINSTON LEE DIGGINS,

Plaintiff,

v.

Case No. 13-cv-14694
Honorable Gershwin A. Drain

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION [#19],
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [#13], AND
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [#17].**

This matter is before the court on the parties' Cross-Motions for Summary Judgment as to Plaintiff Winston Diggins' claim for judicial review of Defendant Commissioner of Social Security's denial of a period of disability, Disability Insurance Benefits, and Supplemental Security Income benefits. The matter was referred to Magistrate Judge Michael Hluchaniuk, who issued a Report and Recommendation on March 2, 2015, recommending that the Court grant Plaintiff's Motion for Summary Judgment, deny Defendant's Motion for Summary Judgment, and remand this matter to the Commissioner for further proceedings. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion. Accordingly, the Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Hluchaniuk's March 2, 2015 Report and Recommendation [#19] as this Court's findings of fact and conclusions of

law. Plaintiff's Motion for Summary Judgment [#13] is **GRANTED**. Defendant's Motion for Summary Judgment [#17] is **DENIED**.

This matter is remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Hluchaniuk's Report and Recommendation.

SO ORDERED.

Dated: March 24, 2015

/s/Gershwin A Drain
Hon. Gershwin A. Drain
United States District Court Judge